

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

MARY DUNBAR,

Plaintiff,

Case No.: 2:19-cv-13637-PDB-DRG

vs.

Hon. Paul D. Borman

PROSPECT AIRPORT SERVICES INC.
and SPIRIT AIRLINES, a Delaware Corporation

Defendants.

MICHAEL G. HEILMANN, P.C.

Michael G. Heilmann (P33034)

Attorneys for Plaintiff
23394 Goddard Road
Taylor, Michigan 48180
(734) 307-3800

BROOKS WILKINS SHARKEY

Brad A. Danek (P72098)

Attorneys for Prospect Airlines Services
401 South Old Woodward, Suite 400
Birmingham, MI 48009
(248) 971-1725

CLARK HILL PLC

Anthony A. Agosta (P57355)

Benjamin I. Shipper (P77558)

Attorneys for Spirit Airlines
500 Woodward Avenue, Suite 3500
Detroit, Michigan 48226
(313) 965-8300

**PLAINTIFF'S CLARIFICATION AS TO THE AMOUNT IN
CONTROVERSY**

NOW COMES, the Plaintiff, MARY DUNBAR, by and through the undersigned and, for her Clarification as to the Amount in Controversy, states as follows:

INTRODUCTION

This matter arises out of the negligent wheelchair transportation of Mary Dunbar by Defendant, Prospect Services, a chosen agent of Defendant, Spirit Airlines. Mary Dunbar purchased a flight for transportation from New Orleans, MS to Detroit Metropolitan Airport on Spirit Airlines. Ms. Dunbar is mobility limited and requested wheelchair transportation from Spirit Airlines. Spirit Airlines, apparently, does not provide the wheelchair transportation for its passengers and, therefore, delegates the task to its agent, Prospect Services. On November 23, 2016, Prospect abandoned Mary Dunbar to fend for herself and, she was injured.

AMOUNT IN CONTROVERSY

Mary Dunbar was injured on November 23, 2016. She was seen in the Emergency Department at Providence Hospital in Rochester, MI. Mary Dunbar returned to MS after the 2016 Holiday visit. She has treated for a soft tissue injury since that date. The medical bills are approximately \$3,057.56. Plaintiff, through her attorney, filed a Complaint in Wayne County Circuit Court against both Spirit and Prospect alleging damages more than the jurisdictional limit of the Circuit Court and less than \$74,999.00. The damages, in total, are less than \$74,999.00 and the allegation seeks relief from either defendant in that amount in the Complaint. The total damages are less than \$74,999.00. Paragraph #15 is against Spirit and Paragraph #22 is against Prospect. The relief requested, is in the alternative rather

than a duplication of damages. The amount requested is less than the jurisdictional limit of the Federal Court. The Defendant has the burden to submit evidence that the amount in controversy is satisfied, *Williams v. Best Buy Co.*, 269 F.3d 1316,1321 (11th Cir. 2001). It is the Plaintiff's position that this Court does not have subject matter jurisdiction in this lawsuit.

/s/ Michael G. Heilmann

Michael G. Heilmann

Michigan Bar No. 33034

23394 Goddard Road

Taylor, MI 48180

(734) 307-3800

mgh@dialaw.net

cassie@dialaw.net

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been furnished by electronically filing same through the Eastern District Court whom serves the document on all Counsel of Record on April 27, 2020.

/s/ Michael G. Heilmann

Michael G. Heilmann

Michigan Bar No. 33034

23394 Goddard Road

Taylor, MI 48180

(734) 307-3800

mgh@dialaw.net

cassie@dialaw.net

ATTORNEY FOR PLAINTIFF